THE LAWS AND ACTS

Of the Third

PARLIAMENT

Of Our Moſt High and Dread Soveraign,

CHARLES THE SECOND,

By the Grace of GOD, King of SCOTLAND, ENGLAND, FRANCE and IRELAND, Defender of the FAITH.

Holden at EDINBURGH the 28. *day of* July, 1681.

***By his Royal Highneſs JAMES Duke of* Albany, *and* York, &c.**

His MAJESTIE'S High Commiſſioner for holding the ſame, by vertue of a Commiſſion under His MAJESTIE'S Great Seale of this Kingdom.

With the ſpecial Advice and Conſent of the ESTATES of PARLIAMENT.

Extracted and Collected from the Records of Parliament *by Sir THOMAS MURRAY of* Glendook, *Knight and Baronet, Clerk to his* Majeſtie's *Council, Regiſter, and Rols.*

EDINBURGH,

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Cum Privilegio.

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LAWS AND ACTS

Made in the THRID

PARLIAMENT

Of Our Moſt High and Dread SOVERAIGNE,

CHARLES THE SECOND,

By the Grace of GOD, King of SCOTLAND, ENGLAND, FRANCE and IRELAND, Defender of the Faith,

Begun at EDINBURGH the 28. day of Julij, 1681.

1. *Act Ratifieing all former Laws for the Security of the Proteſtant Religion.*

Edinburgh *the thretteinth of Auguſt*, 1681.

OUR SOVERAIGNE LORD, With adviſe and conſent of the Eſtates of Parliament, Ratifies and approves all and whatſomever Lawes, Acts and Statuts made by his Royall Grand-Father and Father of Bleſſed Memory, or made and paſt in any of his Majeſties former Parliaments, for ſetleing and ſecureing the Libertie and Freedome of the true Kirk of God and the Proteſtant Religion, preſently Profeſſed within this Realme, and all Acts made againſt Popery; And Ordains the ſame to ſtand in full force and effect, and to be put in Execution according to the tenor and purport of theſe Acts, As if they were ſpeciallie mentioned and ſet doun heirin.

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2. *Act acknowledging and asserting the right of Succession to the Imperiall Croune of* SCOTLAND.

Edinburgh *the thretteinth day of Auguſt.* 1681.

THE Eſtates of Parliament, Conſidering that the Kings of this Realme deryving their Royal power from God Almightie alone, do ſucceid lineallie thereto, according to the Knowne degrees of Proximitie in blood, which cannot be interrupted, ſuſpended or diverted by any Act or Statute whatſomever, And that non can attempt to alter or divert the ſaid Succeſſion, without involving the ſubjects of this Kingdome in Perjurie and Rebellion, and without expoſing them to all the fatall and dreadfull conſequences of a Civil warr, DOE therfore from a heartieand ſincere ſenſe of their duty, Recognize, acknowledge and declare, that the right to the Imperiall Crowne of this Realme, is by the inherent right and the nature of the Monarchie, alſweill as by the fundamentall and unalterable Lawes of this Realme, tranſmitted and devolved by a lineall Succeſſion, according to the proximitie of blood. And that upon the death of the King or Queen, who actuallie Reignes, The ſubjects of this Kingdome are bound by Law, duety and alledgeance, to obey the next immediat and Lawfull Heir either Male or Female, Upon whom the right and adminiſtration of the Government is immediatly devolved. And that no difference in Religion, nor no Law nor Act of Parliament made, or to be made, can alter or divert the right of Succeſſion and lineall deſcent of the Crowne to the neareſt and Lawfull Heires, according to the degrees foirſaids; nor can ſtop or hinder them in the full, frie and Actual adminiſtration of the Government according to the Lawes of the Kingdome. Lykeas OUR SOVERAIGNE LORD, With advyce and conſent of the ſaids Eſtates of Parliament, Do declare it is high Treaſon in any of the ſubjects of this Kingdome, by writeing, ſpeaking, or any other manner of way to endeavour the alteration, ſuſpenſion or diverſion of the ſaid right of Succeſſion, or the debarring the next Lawfull Succeſſor from the immediat, Actuall, full and frie adminiſtration of the Government, conform to the Lawes of the Kingdome, And that all ſuch attempts or deſignes ſhall inferr againſt them the paine of Treaſon.

3. ACT For a voluntary offer of a new Supplie to the King's Majeſtie.

Auguſt 20. 1681.

OUR SOVERAIGNE LORD, and Eſtaites of Parliament taking to conſideration, That the Convention of Eſtaites, holden at *Edinburgh*, in the Moneth of July, 1678. upon the weighty conſiderations there in ſpecifyed, and particularly the great danger the Kingdom was under by ſeditious and rebellious Conventicles, and the neceſſitie which then appeared to encreaſe the forces, for ſecuring the Government, and Suppreſſing theſe Rebellious commotions, which were fomented by ſeditious principles, and practiſes. DID THEREFORE humbly, and dutifully offer a chearfull and unanimous ſupplie of Eighteen hundred thouſand pounds Scots, to be raiſed and payed forth of the Shyres and Burghs of this His Majeſtie's ancient Kingdom, in the ſpace of fyve years, according to the preſent valuations; And that as Twentie fyve Moneths ceſs in the whole, being fyve Moneths yearly, amounting to three hundred and ſixty thouſand pounds Scots each year, at two terms in the year be equall portions, at the terms mentioned in the ſaid Act, being two Moneths, and an halfe Moneths ceſs for every term; according to the proportions impoſed on each reſpective Shyre, and Burgh by the ſaid Act of Convention. AND the Eſtaites of Parliament now conveened, having taken to conſideration, how the dangers from the foreſaids cauſes doe much encreaſe, in ſo far as ſuch as are ſeditiouſly, and rebelliouſly inclyned, doe ſtill propagat their pernicious principles, and goe on from one degree of rebellion to another; till now at laſt the horrid villanies of murther, aſſaſſination, and avoued rebellion are owned, not only as things Lawfull, but as Obligations from their Religion, to the diſhonour of God, the ſcandal of Religion, the danger of his Majeſtie's Sacred Perſon, the overthrowing of all Government Eccleſiaſticall and Civill, and the Imminent and apparent ruine of the Subjects lyves and fortuns. DOE THEREFORE, In a due ſenſe of their duety to God, To their Sacred Soveraigne, and to the preſervation of themſelves and their poſteritie, Of new make ane humble, unanimous, chearfull and hearty offer, for themſelves, and in name of, and as repreſenting this His Majeſtie's ancient Kingdom, of a continuation of the forſaid ſupply granted by the Convention of Eſtaites; and that for the ſpace of fyve years, or Ten tems ſucceſſive: Beginning the firſt term's payment, at the term of *Martinmes* 1683. being the next immediat term, after the expyring of the laſt term of the ſupply granted by the ſaid Act of Convention, being two Moneths, and an halfe Moneth's ceſs, for each term of the ſaids Ten terms, and ſo forth to continue in manner forſaid, yearly, and termly, during the ſaids fyve years; HUMBLY beſeeching his Majeſtie, graciouſly to accept this their unanimous offer, and tender foreſaid. WHICH ſupply is to be uplifted, levied and collected in the ſame way, and manner, as is preſcribed, and appointed by the ſaid Act of Convention, with the alterations and additions following, *viz.* That the Commander of the forces ſhall give, and allow ſuch parties, and no more, to the Receiver Generall for quartering on deficients, as he ſhall require from tyme to tyme, for inbringing of the ſaid ſupply; As alſo that the ſaid Receiver Generall ſhall ſend parties to each Shyre, in ſuch number, and no greater, and at ſuch tymes, as the Commiſſioners of Exciſe and ceſs, or any two or more of them, or their Collector within the reſpective Shyres, ſhall require, to be imployed for inbringing the ſupplie; and that all parties ſent to quarter in any Shyre upon the accompt foreſaid, ſhall be directed in their quartering, by the Commiſſioners of Exciſe and ceſs, within each Shyre, according, and in the manner preſcribed by the foreſaid Act of Convention. IT IS ALWAIES HEREBY DECLARED, That although the Commiſſioners, or their Collectors ſhould not require any partie of Souldiers: Yet it ſhall be Lawfull to the Receiver Generall after the elapſing of the terms of payment, to ſend parties to quarter upon the deficients, according to their proportions, *viz.* four Troupers, or Dragoons, or

Sex foot, for each Thouſand pounds Scots, of deficiencie, and ſo forth proportionally: Which parties ſhall be ordered to quarter upon any deficients within the Shyre; as the Commiſſioners or any two of them, or their Collector ſhall direct, Which order and method is to be obſerved in quartering for the Exciſe; And the Receiver Generall or Tackeſmen of the ſame, are only to imploy the number of forces foreſaid in quartering therefore, as for the ſupplie. AND It is STATUT, and ORDAINED, that incaſe the Collector of any Shyre, ſhall receive, in any of the ſaid ſupply, and retain the ſame in his hands, not paying it in to the Generall Receiver, That he ſhall be lyable to pay Ten pounds, for each one hundred pounds received by him, which he ſhall not pay to the ſaid Receiver, within a Moneth after his receipt thereof, But prejudice alwayes to the ſaid Receiver, to uſe quartering and other diligence, againſt the ſaid Collectors, or others lyable in manner foreſaid. AND HIS MAJESTIE In his Royall goodnes, and care to his People, taking to his Princely conſideration, the many troubles, and inconveniences; which ariſe from the tranſient, or free quartering of Souldiers, and from the localities for furniſhing, and carrying Corn, Straw, or Graſs, to the Souldiers Horſes, DOETH with conſent of the Eſtaites of Parliament diſcharge and prohibit, all free quartering of the Souldiers, either tranſient, or local, and all localities for furniſhing and carrying Corn, Straw, Hay, or Graſs, to Souldiers Horſes, and that from, and after the firſt day of November next in this inſtant year, 1681. the quartering, and localitie alwaies betwixt and the ſaid firſt day of November being payed or allowed, conform to the ſaid Act of Convention: And incaſe any Officers or Souldiers ſhall exact any free quarters, or any ſuch localitie thereafter, the damnage being inſtructed before two Commiſſioners for the ſupplie, or Exciſe, upon production of a certificat thereof under their hands, the Officer being required be way of Inſtrument to give redreſs to the partie and not doing the ſame, ſhall loſe a Moneths pay to be payed to the partie injured by the Collector of the Ceſs or Exciſe in the Shyre, by and attour the ſaid damnage, which ſhall be allowed to him by the Generall Receiver: And this puniſhment to be extended to any quartering for deficiencie which ſhall be uſed, or exacted otherwaies then is preſcribed in manner foreſaid. AND It is hereby DECLARED, that no diſcharges granted by Tennents to Souldiers, for proviſions, either of Men or Horſes, ſhall exoner the Officers or Souldiers, unleſs theſe diſcharges be under the hand of the Maiſter, or his Chamberlain. IT IS ALWAIES hereby ſpecially PROVIDED and ORDAINED, that the Sherriff principall or his Deput in the reſpective Shyres, with any two or three of the Commiſſioners of ſupplie or Exciſe, ſhall ſett prices on Corn for the uſe of the Troupers, conform to the fiars of the year, and prices upon Straw, Hay, and Graſs, according to the current rates of the Countrie, and take care that the ſame be ſold at theſe rates, upon preſent payment of money to be made by the Souldiers to the owners of the ſaids proviſions: And in-caſe it ſhall happen that any Horſes ſhall be imployed, and made uſe of, by Officers, or Souldiers, in Towns, or in the Countrie, for carrying Artilliarie, Ammunition, or Proviſion, or any other uſe of the Army. It is hereby Ordained, that there ſhall be payed for each day that they travell Three ſhilling Scots, for each two myles to the Man and Horſe, and each day that they doe not travell, ſix ſhillings Scots to the Man, and as much for the Horſe: the Man being oblidged to provide himſelfe and the Horſe, which ſhall be payed by the Magiſtrats of the Burgh, if the Horſes be taken within a Town, or if in the Countrie, by the Collector of the ſupplie in the Shyre, who are to be repayed thereof, or to have the ſame allowed to them by the Receiver Generall. AND HIS MAJESTIE and Eſtaites of Parliament ORDAINS the Commiſſioners named by the Act of Convention to be Commiſſioners for ingathering of this ſupply, And appoints the Sherriffs of the reſpective Shyres, to be Conveeners of the ſaids Commiſſioners: Recommending to the Lords of Privie Councill, to appoint Commiſſioners in place of any of them already named be the ſaid Act of Convention, who are deceaſed, upon liſts given in be the remanent Commiſſioners, AND The Eſtates of Parliament doe declare, that no perſon lyable in this ſupply, ſhall be exeemed from paying his proportion of the ſame;

And

And doe beſeech his Majeſtie not to grant any ſuch exemptions, in favours of any Perſon. AND IT IS HEREBY DECLARED, that no perſon lyable in payment of this ſupply ſhall be holden to produce their diſcharges or receipts of the ſame after the Tenth day of June, one thouſand ſix hundreth nintey and one year. And his Majeſtie with advice and conſent foreſaid STATUTS and ORDAINS, that for the releiſe of the Heretours and others lyable in this ſupply, their Vaſſals, and Fewars, who pay no part of the Ceſs, and alſo their Tennents, Sub-tennents, and others living upon their Lands ſhall be taxed and pay into the ſaids Hetetours yearly, each one of the ſaids Five years, the ſums of money following, *viz.* Each Gentleman above the quality of a Tennent, the ſum to be appoynted by the Heretour, not exceeding ſix pounds Scots, for himſelfe, his Wife, and Children; Each Tenent and other Inhabitant, above the qualitie of a Tradſman, Cottar, or Servant for themſelves and their Wyves and Children, any ſum not exceeding four pounds Scots: And each Tradſman, Cottar or Servant any ſum not exceeding Twenty ſhillings Scots. And it is ordained that the Heretours ſhall have the ſame Execution for raiſing the ſaids ſums, as for their mails and duties.

IV.

ACT For ſecuring the Peace of the Countrie.

Auguſt. 29. 1681.

OUR SOVERAIGNE LORD, and the Eſtates of Parliament, DOE Ratifie, and approve, all Laws, and Acts of Parliament, made for ſecuring the Government of the Church, as it is now eſtabliſhed by Law. AND for the farther ſecurity of the Peace of Church and State, as it is now eſtabliſhed, THEY doe hereby STATUTE and ORDAIN, That where any perſons who are Tennents, as well in Burgh, as Land, or Servants, being dilated upon the Oath of Calumny of the Informer, ſhall be found guilty, or holden as confeſt, before any competent Judicatory for field-conventieles, or for reſetting Preachers who are, or ſhall be, Intercommuned, or declared fugitives, upon a proceſs intended againſt the ſaids Tenents and Servants, within three Moneths after committing of the ſaids crimes; That their names, with their ſentence, be intimat by the Judge who pronounced the ſame, under form of Inſtrument, to the Maſter, if the delinquent be a Servant, or to the Heretour, and Land-Lord, in whoſe Land, and Houſes, he lives, if he be a Tennent, or Cottar: Which Maſter, or Heretour, ſhall be oblidged within a Moneth after the ſaid intimation, either to pay the delinquent's fine, there being ſufficient goods to ſatisfie the ſame, by and attour a year's rent to the Maſter, or if he have not ſufficient goods, to put him and his Family out of his Land or Houſe, if he be a Tennent, or Cottar; and if a Servant, out of his Service, or preſent him to Juſtice; Providing alwaies that the libel whereupon the foreſaid ſentence proceeded, be ſpecial as to a certain place, where the field-conventicle was keep'd, or there about, and alſo be ſpecial as to the time, *viz.* a certain day of ſuch a week, or one or other of the dayes of that week. AND HIS MAJESTIE, with advice, and conſent of His Eſtates of Parliament, DECLARES, That in this caſe, it ſhall be Lawful to Heretours, to put their Tenents out of their Lands, or out of their Houſes poſſeſt by them, at any time of the year, and that without any warning, or proceſs of Removing, and that notwithſtanding of any tacks ſet to the Tennents for years, or terms to run, which, in this caſe, are hereby declared to be void and null: And the Maſters and Heretours are hereby authorized, and allowed, to retain as much of the goods and geir belonging to the ſaids Tennents, Cottars, and Servants, as may ſatisfy, and pay, the laſt year's rent due by the Tennents, and relieve them of the ſaids fines. AND HIS MAJESTIE with conſent foreſaid DECLARES, That if any Man ſhall reſſet, or entertain, any Servant, Tennent, or Cottar, who is ſo put away, he ſhall be lyable to pay three years fee to the Maſter who did put him away, and three years duty to the Heretour who put away his Tennent, or Cottar; if the ſaids Tennents, or Cottars, ſo put away, be reſſet, or harboured, by any other Heretour, as ſaid is,

and ſhall likewiſe be lyable in one Hundred pounds Scots, to be payed to the King. ITIS alſo hereby STATUTE and ORDAINED, That the fines Impoſed by former Laws upon field-conventicles, ſhall be doubled, each perſon being by this Act fynable in twice as much as he was fynable by the former Laws; except as to Burgeſſes of Burghs Royal, Regality, and Barony, who beſides the incurring the ſame fines for field-conventicles, are for the future to loſe their Burgeſhips, and liberties, and to be baniſhed from the Town where they lived. AND to the end that all the Laws againſt Conventicles may be the better put to Execution, IT IS HEREBY DECLARED, that it ſhall be Lawful to his Majeſtie, to nominat Sherriff-deputs, Juſtices of peace, or other Commiſſioners for puniſhing conventicles, and ſuch as are guilty of irregular mariages, Baptiſms, and invading of Miniſters.

V.

ACT Concerning probative Witneſſes in Writs and Executions.

Auguſt 29. 1681.

OUR SOVERAIGNE LORD Conſidering that by the Cuſtom introduced when writting was not ſo ordinary, Witneſſes inſert in writs, although not ſubſcribing, are probative Witneſſes, and by their forgetfulnes may eaſily diſown their being witneſſes. FOR REMEED, whereof, His Majeſtie with advice and conſent of the Eſtates of Parliament DOETH ENACT and DECLARE, That only ſubſcribing Witneſſes in writs to be ſubſcribed by any partie hereafter, ſhall be probative, and not the Witneſſes inſert not ſubcribing; And that all ſuch writs to be ſubſcribed hereafter, wherein the Writter and Witneſſes are not deſigned, ſhall be null, and are not ſupplyable by condeſcending upon the Writter, or the deſignation of the Writter and Witneſſes. AND it is farther STATUTE and DECLARED, That no Witneſs ſhall ſubcribe as Witneſs to any partie's ſubſcription, unleſs he then know that partie, and ſaw him ſubſcribe, or ſaw, or heard him give warrand to a Nottar, or Nottars, to ſubſcribe for him, and in evidence thereof touch the Nottar's pen, or that the partie did at the time of the Witneſſes ſubſcribing acknowledge his ſubſcription; Otherwiſe the ſaids Witneſſes ſhall be repute and puniſhed, as acceſſorie to forgerie. AND SEING Writting is now ſo ordinary, HIS MAJESTIE with conſent foreſaid DOETH ENACT and DECLARE, that no Witneſſes but ſubſcribing Witneſſes ſhall be probative in inſtruments of Seiſing, Inſtruments of Reſignation *ad remanentiam*, inſtruments of intimation of aſſignations, tranſlations, or retro-ceſſions to bands, contracts, or other writs, which ſhall happen to be ſubſcribed in any time hereafter: AND THAT none but ſubſcribing Witneſſes ſhall be probative in Executions of Meſſengers, of Inhibitions, of Interdictions, Hornings, or arreſtments; And that no Execution whatſoever to be given hereafter, ſhall be ſufficient to inferr interruption of preſcription in Real rights, unleſs the ſame be done, before Witneſſes preſent at the doing thereof ſubſcribing: And that in all the ſaids caſes the Witneſſes be deſigned in the bodie of the Writ, Inſtrument, or Execution reſpective, otherwiſe the ſame ſhall be null and void, and make no faith in Judgment, nor out-with.

VI.

ACT Anent Religion and the TEST.

Auguſt. 31. 1681.

UR SOVERAIGNE LORD, With His Eſtates of Parliament Conſidering, That albeit by many wholſome Laws made by his Royall Grand-father, and Father, of glorious memory, and by himſelf, in this, and His other Parliaments, ſince His happy Reſtauration, the Proteſtant Religion is carefully aſſerted, eſtabliſhed and ſecured, againſt Popery and Phanticiſm: Yet the reſtleſs Adverſaries of our Religion, doe not ceaſe to propogat their errours, and to ſeduce His Majeſtie's Subjects, from their duty to God, and Loyalty to his Vice-gerent, and to overturn the eſtabliſhed Religion, by introducing their Superſtitions, and deluſions, into this Church, and Kingdom. And knowing, that nothing can more encreaſe the numbers and confidence of Papiſts, and Schiſmatical diſſenters from the Eſtabliſhed Church, then the ſupine neglect or putting in Execution the good Laws provided againſt them, together with their hopes to inſinuat themſelves, into Offices, and places of truſt, and publick Imployment. THEREFORE, His Majeſty, from His Princely and pious zeal, to maintain and preſerve the true Proteſtant Religion, contained in the Confeſſion of Faith, recorded in the firſt Parliament of King *James* the Sixth, which is founded on, and agreeable to the written word of GOD; DOETH, with adviſe and conſent of His Eſtates of Parliament, Require and Command, all his Officers, Judges, and Magiſtrats, to put the Laws made againſt Popery, and Papiſts, Prieſts, Jeſuits, and all perſons of any other Order in the Popiſh Church, eſpecially againſt ſayers and hearers of Maſs; Venders and diſperſers of forbidden Books; And Reſſetters of Popiſh Prieſts, and excommunicat Papiſts: As alſo againſt all Phanatick Separatiſts from this National Church; Againſt Preachers at Houſe, or Field-Conventicles, and the Reſſetters, and harbourers of Preachers, who are Intercommuned; Againſt diſorderly Baptiſms, and Marriages, and irregular Ordinations, and all other Schiſmaticall diſorders, To full and vigorous execution, according to the Tenour of the Reſpective Acts of Parliament thereanent provided. And that His Majeſtie's Princely care to have theſe Laws put in Execution, againſt thoſe Enemies of the Proteſtant Religion, may the more clearly appear: HE DOETH, with advice and conſent foreſaid, STATUT and ORDAIN, That the Miniſters of each Paroch, give up in October Yearly, to their reſpective Ordinaries, true and exact liſts of all Papiſts, and Schiſmatical-withdrawers from the publick Worſhip, in their reſpective Paroches; which Liſts are to be ſubſcribed by them, and that the Biſhops give in a double of the ſaids Liſts Subſcribed by them, to the reſpective Sheriffs, Stewards, Bailies of Royalty, and Regalitie, and Magiſtrats of Burghs, To the effect the ſaid Judges may proceed againſt them according to Law: As alſo, the Sheriffs, and other Magiſtrats foreſaids, are hereby ordained to give an account to His Majeſtie's Privy Council in December yearly, of their proceedings againſt thoſe Papiſts, and Phanatical Separatiſts, as they will be anſwerable at their higheſt peril. And that the diligences done by the Sheriffs, Bailies of Regalities, and other Magiſtrats foreſaids, may be the better enquired into by the Council, the Biſhops of the reſpective Dioceſſes, are to ſend exact doubles of the liſts of the Papiſts, and Phanaticks, to the Clerks of Privy Council, whereby the diligences of the Sheriffs, and other Judges foreſaids, may be controlled and examined. And to cut of all hopes, from Papiſts, and Phanaticks, of their being imployed in Offices and Places of publick Truſt. IT IS HEREBY STATUT and ORDAINED, that the following *Oath* ſhall be taken by all perſons in Offices, and places of publick Truſt, Civil, Eccleſiaſtical, and Military, eſpecially by all Members of Parliament, and all Electors of Members of Parliament, all Privy Counſellors, Lords of Seſſion, Members of the Exchequer, Lords of Juſticiary, and all other Members of theſe Courts;

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all Officers of the Crown, and State; all Arch-Biſhops and Biſhops; and all Preachers and Miniſters of the Goſpel whatſoever; all perſons of this Kingdom, named or to be named Commiſſioners for the Borders; all Members of the Commiſſion for Church Affairs; all Sheriffs, Stewards, Bailies of Royties and Regalities, Juſtices of the peace, Officers of the Mint, Commiſſars and their Deputs, their Clerks and Fiſcals, all Advocats and Procurators before any of theſe Courts, all Writters to the Signet, all Publick Nottars, and other perſons imployed in Writing or Agenting; The Lyon King at Arms, Heraulds, Purſevants, and Meſſengers at Arms; all Collectours, Sub-collectours and Farmourers of His Majeſtie's Cuſtoms and Exciſe; all Magiſtrats, Deans of Gild, Counſellers, and Clerks of Burghs Royall and Regality; all Deacons of Trades, and Deacon-Conveeners in the ſaids Burghs; all Maſters and Doctors in Univerſities, Colledges, or Schools; all Chaiplains in Families, Pedagogues to Children; and all Officers and Souldiers in Armies, Forts, or Militia; and all other perſons in publick Truſt or Office within this Kingdom, Who ſhall publickly ſwear, and ſubſcribe the ſaid Oath as follows, *viz.* The Arch-Biſhops, Chief Commander of the Forces, and Officers of the Crown and State, and Counſellers, before the Secret Council: All the Lords of Seſſion, and all members of the Colledge of Juſtice, and others depending upon them, before the Seſſion: The Lords of Juſticiary, and thoſe depending upon that Court, in the Juſtice Court: The Lords, and other Members of Exchequer, before the Exchequer: All Biſhops, before the Arch-Biſhops: All the inferiour Clergy, Commiſſars, Maſters and Doctors of Univerſities, and Schools, Chaiplains and Pedagogues, before the Biſhops of the reſpective Dioceſſes: Sheriffs, Stewards, Bailies of Royalty and Regality, and thoſe depending on theſe Juriſdictions, before theſe reſpective Courts: And Proveſts, Baillies and others of the Burgh, before the Town Councill: all Collectors and Farmourers of the King's Cuſtoms and Exciſe, before the Exchequer; The Commiſſioners of the Borders, before the Privy Council; All Juſtices of Peace, before their Conveener; And the Officers of the Mint, before the General of the Mint; And the Officers of the Forces, before the Commander in Chief; and common Souldiers, before their reſpective Officers; The Lyon, before the Privy Council; and Heraulds, Purſevants and Meſſengers at Arms, before the Lyon. And His Majeſty, with conſent foreſaid, STATUTS and ORDAINS, that all thoſe who preſently poſſeſs, or enjoy any of the foreſaids Offices, publick Truſts, or Imployments, ſhall take and ſubſcribe the following Oath, in one of the foreſaids Offices, in manner before preſcribed, betwixt and the firſt of January next, which is to be recorded in the Regiſters of the reſpective Courts, and Extracts thereof under the Clerks hands, to be reported to His Majeſtie's Privy Council, betwixt and the firſt of March next, One thouſand ſix hundred eighty two, and thereafter in any other Courts, whereof they are Judges or Members, the firſt time they ſhall ſit, or exerce in any of theſe reſpective Courts: AND ORDAINS, that all who ſhall hereafter be promoted to, or imployed in any of the foreſaids Offices, Truſts, or Imployments, ſhall at their entry into, and before their exercing thereof, take and ſubſcribe the ſaid Oath, in manner foreſaid, to be recorded in the Regiſters of the reſpective Courts, and reported to His Majeſtie's Privy Council, within the ſpace of forty dayes after their taking the ſame: And if any ſhall preſume to exerciſe any of the ſaids Offices; or Imployments, or any publick Office, or Truſt, within this Kingdom, (the King's lawful Brothers and Sons only excepted) untill they take the Oath foreſaid, and ſubſcribeit, to be recorded in the Regiſters of the reſpective Courts, They ſhall be declared incapable of all publick Truſt thereafter, and be further puniſhed with the loſs of their Moveables, and Liferent-Eſcheat, the one half whereof to be given to the Informer, and the other half to belong to His Majeſty. And His Majeſty, with Advice foreſaid, recommends to His Privy Council to ſee this Act put to due and vigorous Execution.

Follows the Tenour of the OATH to be taken by all Perſons in Publick Truſt.

I. A. B. *Solemnlie ſwear in preſence of the Eternal God, whom I invocat as Judge, and Witneſs of my ſincere intention of this my Oath, That I own, and ſincerely profeſs the true* Proteſtant Religion, *contained in the* Confeſſion of Faith, *recorded in the firſt Parliament of King* James *the Sixth; and that I believe the ſame to be founded on, and agreeable to the Written Word of God. And I promiſe and ſwear, that I ſhall adhere thereto, during all the dayes of my lifetime, and ſhall endeavour to educat my Children therein: and ſhall never conſent to any change, or alteration contrary thereto: And that I diſown, and renounce all ſuch Principles, Doctrines, or Practiſes, whether Popiſh, or Phanatical, which are contrary unto, and inconſiſtent with the ſaid* Proteſtant Religion, *and* Confeſſion of Faith. *And for teſtification of my Obedience to my moſt Gracious Soveraign* CHARLES *the Second, I do affirm, and ſwear, by this my ſolemn Oath, That the King's Majeſtie, is the only Supreme Governour of this Realm, over all Perſons, and in all Cauſes, as well Eccleſiaſtical as Civil; And that no forraign Prince, Perſon, Pope, Prelate, State, or Potentat, hath or ought to have any Juriſdiction, Power, Superioritie, Preheminencie or Authoritie Eccleſiaſtical or Civil, within this Realm. And therefore I doe utterly renounce, and forſake all Foraign Juriſdictions, Powers, Superiorities and Authorities, And doe promiſe, that from henceforth, I ſhall bear Faith and true Allegiance to the King's Majeſty, His Heirs and Lawful Succeſſours. And to my power ſhall aſſiſt and defend, all Rights, Juriſdictions, Prerogatives, Priviledges, Preheminencies, and Authorities belonging to the Kings Majeſty, His Heirs and Lawful Succeſſours, And I farther affirm and ſwear by this my ſolemn Oath, That I Judge it unlawful for Subjects, upon pretence of Reformation, or any other pretence whatſoever, To enter into Covenants or Leagues, or to convocat, conveen, or aſſemble in any Councils, Conventions, or Aſſemblies, to treat, conſult, or determine, in any matter of State, Civil or Eccleſiaſtick, without His Majeſtie's ſpecial command, or expreſs licence had thereto, or to take up arms againſt the King, or thoſe commiſſionated by Him: And that I ſhall never ſo riſe in Arms, or enter into ſuch Covenant, or Aſſemblies: And that there lies no Obligation on me from the* National Covenant, *or the* Solemn League and Covenant *(ſo commonly called) or any other manner of way whatſoever, to endeavour any change or alteration in the Government, either in Church or State, as it is now eſtabliſhed by the Laws of this Kingdom. And I promiſe and ſwear, that I ſhall with my utmoſt power, defend, aſſiſt, and maintain, His Majeſtie's Juriſdiction foreſaid againſt all deadly: And I ſhall never decline His Majeſtie's Power and Juriſdictions;* As I ſhall anſwer to God. *And finally, I affirm, and ſwear, that this my ſolemn Oath, is given in the plain, genuine ſenſe and meaning of the words, without any equivocation, mental reſervation, or any manner of evaſion whatſoever; And that I ſhall not accept, or uſe, any diſpenſation from any Creature whatſoever.* So help me God.

VII.

ACT Diſcharging the Summer Seſſion.

September. 2. 1681.

OUR SOVERAIGNE LORD, upon grave and weighty conſiderations, finding it neceſſary and of great import for the good of his Majeſtie's Subjects, that the Summer Seſſion in the Moneths of June and July yearly, be ſuppreſt, and taken away: DOETH with advice and conſent of his Eſtates of Parliament, STATUTE, and ORDAIN, That in all time coming, the meeting and ſitting of the Judicature of the Seſſion, and Colledge of Juſtice, ſhall only be yearly, from the firſt of November, to the laſt of March Incluſive, and that there be a ſurceaſe of their meetings yearly, from the Twentieth and fourth of December, to the firſt of January immediatly following. AND inhibits, and diſcharges the ſitting of the Judicature of the Seſſion in the ſaids Moneths of June and July, or at any other time, but as the ſame is appointed, allowed, and preſcribed, by this preſent Act.

VIII.

ACT For continuation of the Exciſe.

September. 6. 1681.

THE ESTATES of Parliament, conſidering that the Exciſe of forreigne, and in-land commodities, impoſed by the fourteenth Act of the firſt Seſſion of his Majeſtie's firſt Parliament, does terminat with the life of His Sacred Majeſty who now reignes, whom God Almighty long preſerve. AND They being deſirous, that the Royal Government of the Kingdom, ſhould not be then deſtitute of a due, and ſutable ſupport, for defraying the exigences thereof: THEY DOE THEREFORE, make ane humble and cheerful offer of a continuation of the Exciſe, for the ſpace of Five years, to begin at the termination foreſaid, to be raiſed, levied, and collected, of the forreigne commodities ſpecified in the ſaid Act, at the rates mentioned therein, and in ſubſequent Acts of Parliament, which are holden as here repeated: And likewiſe of the in-land commodities of this Kingdom, and particularly of two merks Scots upon each Boll of Malt Browen, and ſold, within the Kingdom, and three ſhillings Scots upon each Pynt of Aqua-vitæ, and Strong-waters, not made of Malt Browen, and ſold, within this Kingdom. WITH POWER to His Majeſtie's Royal Succeſſours during the ſaids years, to nominat and appoint Collectors, and other Servants, for the collecting, and inbringing, of the ſaid Exciſe, or to ſet the ſame in farm to the beſt advantage as they ſhall think fit. IT IS ALWAIES hereby DECLARED, that then neither Commiſſioners of Shires, nor Heretours, ſhall be lyable for the quota's of the Shires, nor ſhall the Land-rent be affected therewith, but that the ſame ſhall only be collected from the Brewers, Vintners, and Tapſters over the whole Kingdom, according to the extent of their Brewing, and at the rates foreſaids, during this ſaid continuation.

IX.

ACT Againſt perſonal Protections.

September. 6. 1681.

UR SOVERAIGNE LORD, and Eſtates of Parliament, DOE Ratifie, and approve all former Laws, and Statutes, made againſt Superſedere's, and Protections; And to the end the ſame may be made yet more effectual, THEY Diſcharge the Lords of His Majeſtie's Privy Council, Seſſion, and Exchequer, and Commiſſioners of Juſticiary, to grant Protections, Licences, or Superſedere's, Certifying ſuch as ſhall grant the ſame, that they ſhall be lyable for the debt, upon which execution is ſtoped by the ſaid Protection. And to the end ſuch as are acceſſory may be clearly diſcovered, They ordain that all Protections, Superſedere's, and Licences, ſhall be ſigned by ſuch as grant them; And they declare that their ſigning thereof ſhall prove againſt them their voting thereto, and ſhall make all who ſigne them, whether the Preſident of the Court, or others as lyable, as if they had become Cautioners for the ſaid debt: And ordains that theſe Protections be recorded in the Books of the Court which granted the Protection, and that extracts thereof under the Clerks hand, ſhall make faith againſt the granter. IT IS ALWAIES hereby DECLARED, that it ſhall be free to the Lords of his Majeſtie's Privy Council, Seſſion, and Exchequer, and the Commiſſioners of Juſticiary, to grant Protections to ſuch as are cited, charged, or required by Law to compear before them, for ſuch few dayes, as they may come and give their appearance, and during their neceſſary ſtay, and ſome few dayes for their return, not exceeding a Moneth in all: The parties who require witneſſes to be cited, or their Tutours and Curatours, if the ſaids parties be Minors, giving their Oaths of credulity, or ſubſcribing a certificat under their hand upon Oath, that thoſe who are cited by them to be Witneſſes, are material Witneſſes, which Protections ſhall bear the cauſe for which they are granted. AND LASTLY, It is hereby DECLARED, that it ſhall not only be Lawful to put the Laws in Execution, notwithſtanding of Protections and Licences, granted contrary to this and former Laws, but that if any Meſſenger, or Magiſtrat refuſe to concur, they ſhall be lyable in payment of the debt; And that the Lyon ſhall be likewiſe lyable, if he refuſe to deprive the Meſſenger who refuſes to execut the Law, upon pretence of any ſuch Protection, Licence, or Superſedere.

X.

ACT Concerning Wives Terces.

September. 6. 1681.

UR SOVERAIGNE LORD Conſidering that ſometimes through the ignorance, and inadvertencie of ſome Writters and Nottars, Clauſes are inſert in contracts of Marriage, containing proviſions by Husbands in favours of their Wives, without mentioning the terce that is due to her by Law, or expreſſing the proviſion to be granted in ſatisfaction of the terce; whereby occaſion is given to Relicts to claime a terce out of their Husbands eſtates by and attour the proviſion conceived in their favours, contrary to the meaning and intention of the parties contracters. FOR REMEED whereof, The Kings Majeſtie, with advice and conſent of the Eſtates of Parliament, STATUTES, and ORDAINS, That in time coming where there ſhall be a particular proviſion, granted by an Husband in favours of his Wife, either in a contract of marriage, or ſome other writ, before or after the marriage; That the Wife ſhall be thereby ſecluded from a terce out of any lands or annual-

rents belonging to her Husband, unleſs it be expreſly provided in the contract of Marriage, or other Writ containing the ſaid proviſion, that the Wife ſhall have right to a terce, by and attour the particular proviſion, conceived in her favours: But prejudice alwaies to the Lords of Seſſion, to determine as to contracts of Marriage, or proviſions already made, according to the former Law and Cuſtom.

XI.

ACT Concerning the Regiſtration of Seiſings, and Reverſions of Tenements within Burgh.

September. 6. 1681.

OUR SOVERAIGNE LORD, Conſidering the great ſecurity that this Kingdom enjoyes by the publict Regiſter of Seiſings, and Reverſions, conform to the ſixteenth Act of the 22. Parliament of King *James* the Sixth, holden in Anno 1617. And that there is fully the like reaſon and benefite, that the foreſaid Statute ſhould extend to the whole Kingdom, as well to Burgh, as Landward. THEREFORE His Majeſtie, with conſent of his Eſtates of Parliament, STATUTES and ORDAINS, That in time coming, all Inſtruments of Seiſing of Tenements within Burgh Royal, or liberties, or freedoms thereof holding in Burgage, And all Reverſions, Regreſſes, Bands, or Writs, for making Reverſions, or Regreſſes, Aſſignations thereto, diſcharges thereof, Renounciations of Wodſets, and Grants of Redemption of the ſaids Tenements within Burgh, or the liberties or freedoms thereof holding Burgage, ſhall be inſert in the Town Clerks Books of the ſeveral Burghs reſpective, within Threeſcore dayes after the date of the ſame, excepting reverſions incorporat in the body of the right; And that the Town Clerk ſhall keep a ſeveral Book therefore, depending only upon the Magiſtrats of the Burgh, without neceſſity of any warrand from the Clerk of Regiſter, and minut Books of the ſame, to be quarterly compared and ſigned, by the Proveſt and Bailies of the ſeveral Burghs. IT IS ALWAIES DECLARED, that it ſhall not be neceſſary, to inſert any Bands, or Writs, for making of reverſions, unleſs Seiſing paſs in favours of the parties makers of the ſaids Bands, and Writs: IN THE WHICH CASE, It is ordained that the ſame ſhall be inſert within Sixty dayes after the date of the Seiſing, the extract out of the which Regiſter ſhall make faith in all caſes, except where the Writs ſo inſert are offered, to be improven: And if it ſhall happen any of the ſaids Writs which are appointed to be inſert as ſaid is, not to be duely inſert, within the ſaid ſpace of Sixty dayes: THEN and in that caſe, His Majeſtie, with advice and conſent foreſaid, DECERNS the ſame to make no faith in Judgment, be way of action, or exception, in prejudice of a Third partie, who hath acquired a perfect and Lawful right to the ſaids Tenements, But prejudice alwaies to them to uſe the ſaids Writs againſt the parties makers thereof their Heirs and Succeſſours. AND it is hereby DECLARED. that there ſhall be nothing payed to the Town Clerks for regiſtration of the ſaids Seiſings, but for any poſteriour extracts, they ſhall have the halfe of the rates preſcribed by the Act of Parliament for extracts out of the Regiſters of Seiſings in the particular Shires. And for regiſtrating in the Tow'ns Books, of Reverſions, Aſſignations thereto, or diſcharge thereof, Renounciations, and Grants of Redemption of Wodſets, which were not in uſe to be regiſtrat before in the Town's Books, That they ſhall have the halfe of the rates preſcribed by the Act of Parliament, for regiſtration and extracting the ſame, as ſaid is.

XII.

ACT For encouraging Trade and Manufacturies.

September 13. 1681.

OUR SOVERAIGNE LORD, From His Princely care for the Wealth and Flouriſhing of this His Ancient Kingdom, Conſidering that the Importation of Forraign Commodities (which are ſuperfluous, or may be made within the Kingdom, by encouragment given to the Manufacturies thereof) had exceedingly exhauſted the money of the Kingdom, and hightned the Exchange to Forraign places, ſo that in a ſhort time the ſtock of Money behooved to be exhauſted, and the Trade thereof to fail: FOR REMEID whereof, His *Majeſtie*'s Privy Council after long and ſerious Deliberation, and advice of the moſt judicious and knowing Merchants of the Kingdom, DID by two Acts of Council of the dates, the firſt of *March*, and eleventh of *April* laſt, and publick Proclamations following thereupon, GIVE encouragement to Manufacturies erected or to be erected in this Kingdom, in manner, and to the effect underwritten: THEREFORE His *Majeſty*, with Advice and Conſent of the Eſtates of Parliament, ſtrictly Prohibits and Diſcharges, all Merchants, and other Perſons whatſoever, To Import into this Kingdom, any Gold or Silver threed, Gold or Silver Lace, Fringes, or Tracings, all Buttons of Gold or Silver threed, all manner of Stuffs, or Ribbans in which there is any Gold or Silver threed, all Philagram of Gold or Silver to be worne upon Apparel, and all the Counterfeits of any of them, all flowr'd, ſtrip'd, figur'd, chequer'd, painted, or printed Silk-Stuffs or Ribbans, (nowayes comprehending changing colloured, or watered Stuffs or Ribbans) All Embroideries of Silk upon wearing Clothes: WITH CERTIFICATION, That all ſuch Goods as ſhall be imported contrary hereunto in any time coming, or which have been imported contrary to the ſaids Proclamations, ſhall be burnt and deſtroyed, and the Importers, or Reſſetters fined in the value thereof. LIKEAS His *Majeſty*, with advice and conſent foreſaid, ſtrictly prohibits and diſcharges the wearing of any of the ſaids prohibited Goods, and Commodities within this Kingdom, by any of His *Majeſtie's* Subjects, or others dwelling and reſiding therein, after the firſt of *April* next, under the pain of five hundred merks *Scots* money, *toties quoties*, by and attour the Confiſcation of the Clothes, upon which any of the ſaids prohibited Goods ſhall be found; Allowing hereby to Officers and Souldiers of the Kings whole ſtanding Forces, the ſpace of two years after the firſt of *November* next, to wear out their Clothes upon which there is any Gold or Silver Lace, Threed, or Buttons. LIKEAS His *Majeſty*, with conſent foreſaid, ſtrictly prohibits and diſcharges all Merchants and other Perſons whatſoever, to import into this Kingdom, any Forraign Holland-Linnen, Cambrick, Lawn, Dornick, Damesk, Tyking, Bouſten, or Damety, Tufted or Stripped Holland, Calligo, Seleſia, or *East-India* Linnen, and all other Forraign Cloaths and Stuffs, made of Linnen or Cottoun, Wool or Lint: (noways comprehending Flannen Arras hangings, Forreign Carpets, and made Beds of Silk, Damesk-hangings, Chairs and Stools conform thereto) All Forraign Silk or Woolen Stockings, all Forraign Laces made of Silk, Gimp, or Threed, all Forraign Laces or Point, of any ſort or collour, all Forraign made Gloves, Shooes, Boots, or Slippers, all wearing Clothes made abroad for Men, Women, or Children (excepting wearing Clothes and Linnens brought home by Perſons for their own uſe, who have been Abroad, and uſed by them, and made of ſuch Clothes, Stuffs, and Furniture as are by this Act allowed to be worne within this Kingdom.) WITH CERTIFICATION, that all ſuch Goods as ſhall be imported contrary hereto, and contrary to the ſaids Proclamations, ſhall be burnt and deſtroyed, and the Im-

porters or Reſſetters thereof fyned in the value of the ſaids Goods. And the Tackſmen, or Collectors of the Cuſtoms, Surveyers, Collectors, Waiters or their Servants, are hereby ſtrictly required, and commanded, to ſearch for, ſeize upon, apprehend, burn and deſtroy any of the ſaids prohibited Goods that ſhall happen to be imported contrary to this Act; With certification to them if they failzie, and ſuffer the ſaids prohibited Goods to be imported, either by tollerance or connivance, they ſhall not only amit and looſe their Places, and for ever be incapable to ſerve in that or any ſuch Publict charge, but alſo fyned in the value of the Goods that through their fault or neglect, ſhall happen to be imported; and any Merchant, or other perſon, who ſhall inform againſt any of the Farmourers, Collectors, Surveyers, or Waiters, for neglect of their Duty in the Premiſs, and prove the ſame, ſhall have their Fynes for their reward. LIKEAS, His Majeſty RATIFIES, and APPROVES all Acts already made for the encouragement of the Manufacturies of this Kingdom, and encouragement of Strangers to come thereto, and ſet up their ſeveral Callings therein: and anent the Weaving and Bleatching of Linnen cloath, declaring, that if any Strangers ſhall come, or be brought into this Kingdom by Natives to ſet up, work, and teach his Art of making of Cloath, Stuffs, Stockings, Soap, or any kind of Manufactury, That he ſhall enjoy the benefit of Law, and all other Priviledges that a Native doth enjoy: with power to ſet up Manufacturies, either in Burgh or Land-ward, as they ſhall think fit, and there to dwell, and exerciſe their Trade, without any ſtop or trouble; and that they ſhall have liberty and freedom of Trade, and to buy and purchaſe Lands, and Heretages, and all other Goods moveable and immoveable, and all other priviledges, liberties, and capacities that do belong to any Native Subject, born within this Kingdom. AND FOR THE FARTHER encouragement of Manufacturies, all Oyl, dying Stuffs, forraign Wool, Lint, and Flax, Pot-aſhes, or any other Materials whatſoever uſeful for Manufacturies, that ſhall be imported, are hereby declared to be free of Cuſtom and Exciſe, and all other publick Dues in all time coming; and that all Cloaths, Stuffs, Stockings, or any other Commodities to be made, and exported by them, ſhall be free of all Cuſtom and Exciſe, for the ſpace of ninteen years after the date hereof. And it is farther declared, that any ſtock imployed, or to be imployed, for erecting and entertaining any Manufacturies, the ſame ſhall be free of all private and publick Taxes whatſoever, and all quartering and levying of Souldiers; and all the Servants of the ſaids Manufacturies ſhall be free of watching, warding, Militia, or Levies during their actual ſervice therein, for the ſpace of ſeven years after the date hereof. WITH POWER to the Maſters, Erectors, or entertainers of Manufacturies, to meet for making of Ordinances for the right ordering of their Servants, ſufficiency of their Stuffs, Cloaths, and others, and appointing Viſitors of their Works. AND HIS MAJESTY, with conſent foreſaid, RATIFIES and APPROVES the 43. *Act* of the 1. *Seſſion* of His Majeſties 1. *Parliament*, and the 46. *Act* of the ſame *Seſſion* of *Parliament*, Diſchargeing the exporting of Linnen yarne, Worſteed, Woolen yarne, raw or unwaked Cloaths (except Plaiding, Fingram, and *Galloway* white) under the pain of Confiſcation thereof; And the Act of Parliament ordaining, that Linnen of the price of Ten ſhillings *Scots* the eln, or above, be not under the breadth of an eln and two inches, & that the ſame be taken up by the Selvedge and not by the Ridge, and ſo preſented to the Mercat, and that the ſame be bleatched without Lime, under the penalty of Confiſcation of the Linnen otherways taken up, and bleatched, and impriſonment, and Fyning of the perſons tranſgreſſors, not exceeding the value of the Linnen. LIKEAS it is hereby ORDAINED, that hereafter, all Linnen brought to Mercat for publick Sale, be made up of Peeces and half Peeces, and that the Peece contain Twenty four elns, and the half Peece twelve el ns, and that it contain not one eln more or leſs, under the pain of confiſcation thereof. And that all Fingram, Plaiding, Linnen, and Woolen Droggats, to be made in time coming, ſhall be of the breadth of three quarters and an nail, all Searges an eln and two inches, and the length of the Peece to be fifty, or fifty two elns to the whole Peece, and the half thereof to the half Piece, under the penalty foreſaid, and that all the ſaids Peeces, whether Linnen or Woolen,

be

be taken up in Folds, eln or three quarters long, and that none of them be rolled, that thereby the ſufficiency of the whole Peece may be known, and that the ſame be not ſtretched by the rolling, whereby the meaſure will not hold out; and that under the penalty foreſaid, for all ſuch Cloath otherwayes taken up and preſented to the Mercat. AND His Majeſty, with ADVICE and CONSENT foreſaid, DOETH Authorize the Lords of His Privy Council, to declare theſe Manufacturies already ſet up, or that hereafter ſhall be ſet up, to be ſuch, to the effect they may enjoy the Priviledges, Liberties, and Immunities granted by the ſaids Acts of Parliament. AND for the more effectual excution of this Act, His Majeſty with advice foreſaid, ORDAINS the Collectors of the Aſſeſsment and Exciſe, and their Sub-Collectors, Farmourers and Collectors of Cuſtoms, and Waiters in Burgh or Land, at every Term to give up upon Oath, to the Judges ordinary upon the place by Sea or Land, and Juſtices of Peace, Liſts of all thoſe whom they have ſeen and obſerved to tranſgreſs this Act. And it is hereby declared, that the one half of the Penalties aforeſaid, ſhall belong to themſelves, and the other half ſhall be collected by them for His Majeſties uſe, trial being firſt taken, and the perſons found guilty by the ſaids Judges ordinary, or the Juſtices of Peace, and ſuch contraveeners as they ſhall not give information of, that the one half of the Fynes ſhall belong to any other perſon who ſhall diſcover them: And in caſe the ſaids Collectors of Aſſeſsment and Exciſe, Farmourers, and Collectors of Cuſtoms, or Waiters ſhall by connivance, or otherwayes Failzie to give up the ſaids Liſts as aforeſaid, they ſhall looſe their Places, and be incapable of that Office for ever. IT IS alwayes hereby provided, That no perſons contraveening this Act, ſhall be lyable to the ſaids Penalties, unleſs they be found guilty within the ſpace of three Moneths after Dilation in manner foreſaid; But prejudice alwayes to any other perſon who ſhall diſcover the contraveeners, and furniſh probation againſt them, of the one half of the penalties, whenſoever they ſhall diſcover them, they being alwayes diſcovered and found guilty, within the time and in manner foreſaid. AND it is hereby DECLARED, That this preſent Act, is, and ſhall be, in place of any former ſumptuary Law in relation to Apparel.

XIII.

ACT Concerning Declinatours.

September. 13. 1681.

OUR SOVERAIGNE LORD, Conſidering that by the 112. Act 14. Parliament of King *James* the Sixth It is expreſly Statute and ordained, That no Senatour of the Colledge of Juſtice, Ordinary, or Extra-ordinary, ſhall ſit or vote in the cauſes of their Father, Brother, and Son. DOETH with advice and conſent of his Eſtates of Parliament, STATUTE and ORDAIN, That this declinatour ſhall for the future be farther extended to degrees of affinitie, as well as conſanguinity, So that in all time coming, No Senatour of the Colledge of Juſtice, Ordinary, or Extra-ordinary, ſhall ſit or vote in cauſes, where the Purſuer, or defender, is either Father, Brother, or Son in Law to him; And alſo that he ſhall not ſit, or vote, in any cauſe, where he is Uncle, or Nephew, to the Purſuer, or defender. AND it is hereby declared, That this Act ſhall be extended to the Lords of Privy Council, and Exchequer, and the Commiſſioners of the Juſticiary, and to all other Judges and Judicatures in the Kingdom, who may be declined where they are related to the party Purſuer, or defender, in the degrees foreſaids.

XIV.

ACT Reſtraining the exorbitant expence of Marriages, Baptiſms, and Burials.

September. 13. 1681.

UR SOVERAIGNE LORD, Conſidering the great hurt, and prejudice, ariſing to this Kingdom, by the ſuperfluous expence beſtowed at Marriages, Baptiſms, and Burials. FOR repreſſing of which abuſe in time coming, HIS MAJESTY with advice and conſent, of his Eſtates of Parliament, DOES Statute and ORDAIN, That Marriages, Baptiſms, aud Burials, ſhall be ſolemnized, and gone about, in ſober, and decent manner. AND that at Marriages, beſides rhe married perſons, their Parents, Children, Brothers, and Siſters, and the Family wherein they live, There ſhall not be preſent at any contract of Marriage, Marriage, or In-fare, or meet upon occaſion thereof, above four Ffiends on either ſide, with their ordinary domeſtick Servants, and that neither Bride-groom, nor Bride, nor their Parents, or Relations, Tutours, or Curatours, for them, and to their uſe, ſhall make above two changes of raiment, at that time, or upon that occaſion. Certifying ſuch perſons as ſhall contraveen, if they be landed perſons, They ſhall be lyable in the fourth part of their yearly valued rent, and thoſe who are not landed perſons, in the fourth part of their moveables, Burgeſſes, according to their condition and means, not exceeding five hundred merks Scots, and mean Craftſmen and Servants, not exceeding one hundred merks: And if there ſhall be any greater number of perſons then aforeſaid, in any Houſe, or Jnn, within Burgh, or ſuburbs thereof, or within two miles of the ſame, where Penny-weddings are made, That the Maſter of the Houſe, ſhall befined in the ſumm of five hundred merks Scots. AND It is STATUT and ORDAINED, That at Baptiſms upon that occaſion, beſides the Parents, Children, Brothers, and Siſters, and thoſe of the Family, there ſhall not be preſent above four Witneſſes. AND FARTHER His Majeſty with conſent foreſaid STATUTES, and ORDAINS, That there ſhall not be invited to Burials, any greater number of perſons then thoſe following, *viz.* To the Burial of Noblemen, and Biſhops, and their Wives, not above One hundred Noblemen and Gentlemen: To the Burial of a Baron of quality, not above Sixty, and other landed Gentlemen, not above Thirty. And that the Mourners at the Burials of Noblemen, and Biſhops, and their Ladies, doe not exceed Thirty, and at the Burials of Privy Counſellers, Lords of Seſſion, Barons, Proveſts of Burghs, and their Wives, the number of Mourners, doe not exceed Twenty four, And at the Burials of all other Landed Gentlemen, and Citizens within Burgh, they doe not exceed the number of Twelve. And prohibits, and diſcharges the uſing, or carrying of any Pencils, Banners, and other Honours, at Burials, except only the eight Branches to be upon the Pale, or upon the Coffin, where there is no Pale, under the foreſaids penalties reſpective, incaſe they contraveen. AND IT IS SATUTE, AND ORDAINED, That there be no Mourning Cloaks uſed at Burials, nor at any other time, under the pain of One hundred pounds Scots.

XV.

ACT, Againſt Aſſaſſinations.

September, 13. 1681.

THE KING'S Moſt Excellent Majeſty Conſidering, that notwithſtanding Aſſaſſination be a Crime of a high nature inconſiſtent with, and wholly deſtructive to all human ſociety: Yet ſuch are the pernicious principles, and wicked practiſes of ſeveral perſons, That they doe aſſert, and maintain theſe villanous, Impious, and horrid Doctrines, and principles. THEREFORE, HIS MAJESTY, With advice and conſent of the Eſtates of Parliament DOETH STATUTE, and ORDAIN, That not only all ſuch perſons who ſhall aſſaſſinat, But that all who ſhall maintain, or aſſert, That it is lawful to kill any man upon difference in opinion, or becauſe they have been imployed in the ſervice of the King, or of the Church, as it is preſently eſtabliſhed by Law, ſhall incur the pain of Treaſon, and be puniſhed by tinſel of Life, Lands, and Goods. AND Remembring with horrour, the execrable murder of that moſt Reverend, and Worthy Prelat *James* late Arch-Biſhop of Sanct-*Andrewes*, Lord Primat of *Scotland*, (who deſerved ſo well of this Church, and Monarchy, for his eminent ſervices to both) DOE Ordain the Sherriff of Fife and his deputs, To make weekly ſearches in theſe places, where it is, or may be, ſuſpected theſe Aſſaſſinats doe reſide, that they may be brought to Juſtice, and examplarly puniſhed. And likewiſe ordains all other Sherriffs, and Magiſtrats, upon information that thoſe Aſſaſſines are within their bounds, To make ſearch for, and apprehend them, that they may be brought to Juſtice. AND DOE hereby Ratify the former Acts of Council againſt ſuch as ſhall reſſet thoſe Murderers.

XVI.

ACT Concerning the Juriſdiction of the Admiral Court.

September. 14. 1681.

OUR SOVERAIGNE LORD Conſidering that the clearing and eſtabliſhing the juriſdiction of the High Admiral of this Kingdom, will greatly tend to the advancement, and encouragment of Trade, and *Navigation*. THEREFORE His Majeſty, with advice and conſent of the Eſtates of Parliament, DOETH Ratify and approve the 15. Act of the 12. Parliament of King *James* the Sixth, in the whole heads, clauſes, and articles of the ſame, And decerns, and declares, the High Court of Admirality to be a Soveraigne judicature in it ſelfe, and of it's own nature to Import ſummar execution. And STATUTES and DECLARES, That the ſaid High Admiral, as he is His Majeſtie's Leive-tenent, and Juſtice General upon the Seas, and in all Ports, Harbours, or Creiks of the ſame, and upon Freſh waters, or Navigable Rivers below the firſt bridges, or within the flood marks, ſo far as the ſame does, or can at any time extend: So the ſaid High Admiral hath the ſole priviledge and juriſdiction, in all Maritim and Sea-faring cauſes, forreign and domeſtick, whether civil or criminal whatſoever within this Realm, and over all perſons as they are concerned in the ſame. And Prohibits, and diſcharges, all other Judges to meddle with the deciſion of any of the ſaids cauſes in the firſt inſtance, except the Great Admiral, and his deputs allennerly. AND STATUTES, ORDAINS and DECLARES, that it is the priviledge of the ſaid High Admiral,

miral, to cauſe parties become enacted, and find Caution, not only for compearance, but for performance, of the Acts and Sentences of his Court, and that he may puniſh all breakers of his arreſtments, and reſiſters of his officers, in the execution of his precepts, and apply the fines, and amerciaments to his own uſe, conform to the Laws of the Kingdom. AND FARTHER STATUTS and DECLARES, that the High Court of Admirality is a ſupreme Court, and that the decreets and Acts of all other Inferiour Courts of Admirality, are ſubject to the review, and reduction, of the ſaid High Court of Admirality. AND for the more ready and quick diſpatch of Juſtice, in Maritim, and Seafaring cauſes, forreign and domeſtick, whether civil or Criminal within this Realm, and over all perſons in ſo far as they are concerned in the ſame, both to Natives and Strangers, OUR SOVERAIGNE LORD with advice and conſent foreſaid Prohibits and diſcharges all Advocations in the foreſaids cauſes, from the ſaid Court of Admirality to the Lords of Seſſion, or any other Judges whatſoever in all time coming, and that no ſuſpenſion or other ſtop to the execution of the decreets, or Acts, of the ſaid Court of Admirality, be paſt be the Lords of Seſſion, at any time hereafter, except by the whole Lords, in *præſentia*, in time of Seſſion, and by three of the ſaids Lords the time of vacance met together to that effect: And that if any ſuſpenſions, or ſtops ſhall happen to be paſt in manner foreſaid, the ſame be ſummarly diſcuſſed upon a Bill, and be Priviledged and exeemed from the ordinary courſe of the Roll: And if upon diſcuſſing thereof, the ſame ſhall be found to have been unjuſtly, and malitiouſly raiſed, That the ſaid High Court of Admirality, may upon the application made by the Parties concerned, Modify, and decern the damages they have ſuſtained by the ſaids ſuſpenſions, and ſtops of execution of their Acts and Decreets, attour the expences of plea before the Lords of Seſſion, which is to be modified by the ſaids Lords of Seſſion. AS ALSO His Majeſty with advice and conſent foreſaid, STATUTES and ORDAINS, That it ſhall be lawful and competent to the ſaid Court of Admirality, to review their own decreets and ſentences, if there be juſt occaſion for the ſame. AND HIS MAJESTY with advice and conſent foreſaid DECERNS and DECLARES, That it is the ſole right and priviledge of the High Admiral, and his Deputs, the Judges of the High Court of Admirality. To grant paſſes, and ſafe conducts to all Ships; And Inhibits and diſcharges, all others to grant the ſame, as they will be anſwerable upon their higheſt peril. AND HIS MAJESTY with advice and conſent foreſaid CASSES, ANNULS, and RESCINDS, all and whatſoever Laws, Acts of Parliament, or Cuſtoms, contrary to, or any wayes inconſiſtent with this preſent Act.

XVII.

ACT Concerning the Sale of Bankrupts Lands.

September, 14. 1681.

OUR SOVERAIGN LORD, Conſidering, that when the Eſtates and Lands of Bankrupts are affected with Adjudications, Compriſings, and other real Rights, exceeding their value, It oftimes fals out that the Creditors do not agree to ſell the Lands, whereby ſuch as have ſmall ſums upon ſuch ſecurities, cannot command any part thereof, and ſuch Eſtates do oftimes become ineffectual to many Creditors. THEFORE, His Majeſty, with conſent of His Eſtats of Parliament, DOTH authorize, and impower the Lords of the Seſſion (upon a Proceſs at the inſtance of any Creditor having a real Right) To cognoſce, and try the value of ſuch Eſtates, where the Heretor is notoriouſly Bankrupt, and the Creditors in poſſeſſion of the Eſtate, and to value the ſame according to the true worth thereof, in its Rents, Caſualities, Rights, and Holdings, acccording to the uſe and cuſtom of the Country where the Lands ly, And to commiſſionat perſons to ſell theſe lands, and Eſtate, or any part thereof, at the ſaids rates, or more, as can be had for the ſame, with conſent of the debitor,

tor, where there is a legal reverſion competent to him, and without his conſent where there is no legal: And ordains the ſaid ſale to be by a publick Roup, not being under the rate, and price, appointed by the Lords of Seſſion; and that the Roup be made after publick intimation at the mercat Croſs of the head Burgh of the Shire where the Lands ly, and at the head Burgh of the Bailiary, Stewartry, or Regality, if they ly within the ſame, and at the Paroch Kirk where the Lands ly, and at ſix other adjacent Paroch Kirks, (to be named by the Lords of Seſſion) at the diſſolving of the Congregation, on a Sunday after the forenoon's Sermon, by letters of intimation under the Signet, upon the Lords deliverance: Which letters ſhall ſpecially expreſs the time, and place of the Roup; And the Creditours having real rights and in poſſeſſion ſhall be ſpecially cited, upon Twenty one dayes, and all other perſons concerned, whether within or without the Kingdom, at the Mercat Croſs of the head Burgh of the Shire, Stewartry, or Regality, and at the Mercat Croſs of *Edinburgh*, and Peer and Shoar of *Leith* upon ſixty dayes, and a copy of the ſaid intimation ſhall be affixed at all the places foreſaids, expreſſing the Lands to be Rouped, the price appointed by the Lords of Seſſion, and the time, and place of the Roup. Which alienation ſo made, and reported to the Lords, and by their warrand regiſtrat in the Books of Council and Seſſion, HIS MAJESTY, with conſent foreſaid, DECLARES, to be as effectual upon payment of the price, as if the ſame were made by the Debitor, and all the Appriſers, Adjudgers, or other Creditors, who are ſo cited, and have any rights affecting the ſaids Lands, and that a Signature ſhall paſs thereupon in Exchequer, and an warrand for charging the Superior to enter the Purchaſer, upon payment of a years rent, DECLARING alwaies that the price which ſhall be gotten for the ſaids Lands conform to the Roup ſhall be diſtribut by the Commiſſioners appointed to ſell the Lands, or by the Purchaſer of the ſame, amongſt the Creditours proportionally, according to their ſeverall ſums, rights, and diligences, as they are, or ſhall be ordered, and found preferable by the ſaids Lords, whether the ſaids Creditors have compeared, or not.

XVIII.

ACT Aſſerting His Majeſtie's Prerogative in point of Juriſdiction.

September. 16. 1681.

THE ESTATES of Parliament Conſidering that all Government, and Juriſdiction, within this His Majeſtie's, Ancient Kingdom of *Scotland*, does originally reſide in his Sacred Majeſty, his lawful Heirs, and Succeſſours: And though His Majeſty, and his Royal Predeceſſours, have beſtowed offices, and Juriſdictions, upon ſeveral of his well deſerving ſubjects, yet theſe are not privative of his Juriſdiction, THEY DOE THEREFORE, in a dutiful, and humble Recognizance of His Majeſtie's Royal Right, and Prerogative as to this point, DECLARE, that notwithſtanding of theſe Juriſdictions, and offices, His Sacred Majeſty may by himſelfe, or any commiſſionated by him, take Cognizance, and Deciſion, of any caſes, or cauſes, he pleaſes.

XIX.

ACT Concerning the Oaths of Minors.

September, 16. 1681.

OUR SOVERAIGNE LORD, And Eſtates of Parliament, taking to their ſerious conſideration, the great abuſes which may be committed againſt Minors, within twenty one years of Age compleat, by cauſing them ſubſcribe Bonds of borrowed Money, Contracts of Alienation of their Lands, Diſpoſitions, Diſcharges, and other Writs of Importance, and ratifie the ſame by Oath, ſwearing that they ſhall never come in the contrary, thereby depriving them of all the benefite of Revocation, Reduction, and Reſtitution *in Integrum*, allowed to them by the Laws of this Kingdom, where ſuch Oaths are not made. IT IS THEREFORE Statute and Ordained, by the King's Majeſty, with advice and conſent of the ſaids Eſtates, That no ſuch Oaths ſhall be exacted in time coming; And in caſe of Contravention, Declares the Contract to be void and null, and that no Execution ſhall paſs thereupon, And Declares the Elicitor, or Exacter of the Oath to be Infamous: And it is hereby declared, that it ſhall be competent to any Perſon related to the Minor, to obtain the ſaids Writs to be declared void and null, be way of Action, exception, or reply.

XX.

ACT Concerning Bills of Exchange.

September. 16. 1681.

OUR SOVERAIGNE LORD, Conſidering how neceſſary it is for the Flouriſhing of Trade, That Bills or Letters of Exchange be duely payed and have ready Execution, conform to the Cuſtom of other parts, DOETH THEREFORE, with advice and conſent of his Eſtates of Parliament, STATUTE and ORDAIN, that in caſe of any Forraign Bill of Exchange, from or to this Realm duely proteſted for not acceptance, or for not payment, The ſaid Proteſt having the Bill of Exchange prefixed, ſhall be Regiſtrable within ſix Moneths after the date of the ſaid Bill, in caſe of non-acceptance, or after the falling due thereof, in caſe of non-payment, in the Books of Council and Seſſion, or other competent Judicatures, at the inſtance of the perſon to whom the ſame is made payable, or his Order, either againſt the Drawer, or Indorſer, in caſe of an proteſt for non-acceptance, or againſt the Accepter, in caſe of a proteſt for non-payment, to the effect it may have the Authority of the Judges thereof interponed thereto, that Letters of Horning upon a ſimple charge of ſix dayes, and others executorials neceſſary may paſs thereupon, for the whole ſums contained in the Bill, as well Exchange, as Principal, in form as effeirs, ſiclike, and in the ſame manner, as upon regiſtrat Bonds, or Decreets of Regiſtration, proceeding upon conſent of Parties. PROVIDING alwayes, That if the ſaids Proteſts be not duly Regiſtrat within ſix moneths, in manner above provided, Then and in that caſe, the ſaids Bills and Proteſts, are not to have ſummar Execution, but only to be purſued by way of Ordinary Action, as accords. AND FARTHER, It is hereby STATUTE, and ENACTED, That the ſums contained in all Bills of Exchange, bear Annual-rent, in caſe of not acceptance from the date thereof, and in caſe of acceptance, and not payment, from the day of their falling due, ay and while the payment thereof. AND FARTHER His Majeſty with advice foreſaid, hereby Declares, That notwithſtanding of the foreſaid Summar Execution provided

vided to follow upon Bils of exchange, for the ſums therein contained, in manner above ſpecified; Yet it ſhall be leaſom to the party charger to purſue for the exchange, if not contained in the ſaids Bils, with re-exchange, damage, intereſt, and all expences, before the Ordinary Judge, or in caſe of Suſpenſion, to eek the ſame to the Charge at the diſcuſſing of the ſaid Suſpenſion, To the effect, that the ſame may be liquidat, and Decreet given therefore, either againſt the party principal, or againſt him and his Cautioners, as accords.

XXI.

ACT Concerning the Election of Commiſsioners for Shires.

September. 17. 1681.

OUR SOVERAIGNE LORD, Conſidering, the great delay in diſpatch of publick Affairs in Parliament, and Convention of Eſtates, occaſioned by the contraverted Elections of Commiſſioners for Shires: FOR preventing whereof, and for clearing the orderly way of Election of the ſaids Commiſſioners in time coming. THEREFORE His Majeſty, with advice and conſent of His Eſtates of Parliament, STATUTES and ORDAINS, That none ſhall have vote in the Elections of Commiſſioners for Shires, or Stewartries, which have been in uſe to be repreſented in Parliament and Conventions, but thoſe who at that time ſhall be publickly Infeft in property, or ſuperiority, and in poſſeſſion of a Fourty ſhilling Land, of old extent holden off the King or Prince, diſtinct from the Few Duties in Few Lands, or where the ſaid old extent appears not, ſhall be infeft in Lands lyable in publick Burden for His Majeſtie's ſupplies for Four hundred pounds of valued Rent, whether Kirk-lands, now holden off the King, or other Lands holding Few, Waird, or Blench off His Majeſty, as King or Prince of *Scotland*, And that Appriſers, or Adjudgers, ſhall have no Vote in the ſaids Elections during the legal reverſion, and that after the expiring thereof, the Appriſer or Adjudger firſt Infeft, ſhall only have Vote, and no other Appriſer or Adjudger coming in *pari paſſu*, till their ſhares be divided, that the extent or valuation thereof may appear; And that during the legal the Heretor having right to the Reverſion ſhall have vote: And likewiſe proper Wodſetters, having Lands of the holding, extent, or valuation foreſaid, which Rights to vote proceeding upon expired compriſing, adjudication, or proper Wodſet, ſhall not be queſtionable, upon pretence of any order of Redemption, payment, and ſatisfaction, unleſs a Decreet of Declaratour, or voluntar Redemption, Renounciation, or reſignation be produced, and that appeirand Heirs being in poſſeſſion by vertue of their Predeceſſors Infeftment of the holding, extent and valuation foreſaid, And likewiſe Liferenters, and Husbands for the Free-holds of their Wives, or having right to a Liferent by the Courteſie of the ſaids Liferenters, claime their Vote, otherwayes the Fiar ſhall have Vote, but that both Fiar, and Liferenter ſhall not have vote, unleſs they have diſtinct Lands, of the Holding, Extent, or Valuation foreſaid, but that no perſon Infeft for relief, or payment of ſums, ſhall have Vote, but the granters of the ſaids Rights, their Heirs, or Succeſſors. LIKEAS His Majeſty ORDAINS, the whole Free-holders of each Shire, and Stewartry, having election of Commiſſioners, To meet and conveen at the head Burghs thereof, and to make up a Roll of all the Free-holders within the ſame, whether lying within Stewartries, not having Commiſſioners, or Bailiaries of Royalty, or Regality, or without the ſame, upon the firſt Tueſday of *May* next to come, according as the ſame ſhall be inſtructed to be of the holding, extent or valuation foreſaid, containing the Names and Deſignations of the Fiars, Liferenters, and Husbands, having right to vote for the ſame, in manner abovewritten, and expreſſing the extent, or valuations of the ſaids Free-holds, with power to continue, or Adjourn their Meetings untill the ſaid

Roll for Elections be fully compleat. LIKEAS, The ſaids Free-holders ſhall meet and conveen, at the Head Burghs of the ſaids Shires, and Stewartries *reſpective*, at the Michaelmas head Court yearly thereafter, and ſhall reviſe the ſaid Roll of Election and make ſuch alterations therein, as have occurred ſince their laſt Meeting, from time to time; which Roll for Election ſhall be inſert in the Sherriff, or Stewart books, particularly appointed for that end, according as they ſhall be ſtated each Michaelmas Court, and at the Election of Commiſsioners, either at the Michaelmas Court, or at the calling of Parliament, or Conventions the ſaids Free-holders ſhall meet and conveen at the Head-Burgh of the Shire, or Stewartry in that Rowm, where the Sherriff or Stewart Court uſeth to be held, betwixt mid-day, and two afternoon, which Rowm ſhall be patent to them, and all others removed, but whom they call, and the firſt or ſecond Commiſſioner laſt Elected, or in their abſence the Sherriff or Stewart Clerk ſhall ask the Votes who ſhall preſide, and who ſhall be Clerk to the Meeting, and in caſe any alteration have happened in the ſaid Roll of Elections ſince the laſt meeting, the perſons then coming to have right to Vote, ſhall be inſert in the Roll, and there ſhall no objection be admitted againſt any Inſert in the ſaid Roll as ſaid is, but what ſhall be propounded before they begin to Vote to Election: And if the Objecters ſhall not be cleared, and acquieſce, they ſhall take Inſtruments containing their Objections againſt the admitting to, or excluding any perſon from the foreſaid Roll: AND It is Hereby Declared, that no other Objection ſhall be competent in Parliament or Convention, but what ſhall be contained in the Inſtruments taken, as aforeſaid: And in caſe Objections be made when a Parliament or Convention is not called, a particular Diet ſhall be appointed by the Meeting, and intimat to the Parties contraverting, to attend the Lords of Seſſion, for their determination, who ſhall determine the ſame at the ſaid Diet ſummarly according to Law, upon Supplication without farther Citation. And it is hereby Declared, that Horning for a civil Cauſe, or Non-reſidence, ſhall be no ſufficient Objection, but that Minority being inſtantly verified ſhall be a ſufficient Objection, or the not taking the *Teſt* appointed by the ſixth Act of this preſent Parliament, which is hereby ordained to be ſubſcribed by all the Voters in Preſence of the Meeting; before they proceed to the Election, and recorded in the Sherriff Court Books, and ſo returned with the Commiſſion to the Clerk of Regiſter. And if the Perſons Objected againſt, ſhall appear at the Parliament, or Convention, and inſtruct the Right to Vote, the Objecter ſhall pay their expences, and be farther Fined in Five hundred Merks: And if the Objection be ſuſtained in Parliament, the Objecters appearing ſhall have their expences, and the Party Objected againſt ſhall be Fined in Five hundred Merks. And to the effect that ſufficient advertiſement may be given to all parties having Vote in Election, who are to elect at the calling of a Parliament, or Convention, the Sherriffs and Stewards, are hereby ordained to make Publication of the Call and Diet of the ſaids Parliament, and Convention, and of the Diet appointed for Election, and that at the Head-Burgh of the Shire or Stewartry, upon a Mercat day betwixt ten and twelve in the Forenoon; And alſo ſhall make the like Intimation at each Paroch Kirk, on Sunday immediatly thereafter, which Diets for Election, ſhall at leaſt be twelve dayes before the Meeting of Parliament, or eight dayes before the meeting of a Convention, that the Commiſſioners elected may have ſufficiency of time to keep the Diet of the Parliament or Convention. LIKEAS His Majeſty with conſent foreſaid, STATUTES and ORDAINS, the whole Heretors, Liferenters, and Wodſetters, within each Shire, and Stewartry, to contribute for the charges of the Commiſſioners thereof, according to their valuation, except only thoſe who hold of Noblemen, or Biſhops, or Lands belonging to Burrows Royal in Burgage: And alſo to the expences of the Foot-Mantles.

XXII.

ACT *Appointing the* Quorum *of the Juſtice Court in time of Vacance.*

September. 17. 1681.

OUR SOVERAIGNE LORD, and Eſtates of Parliament, DOE STATUTE and ORDAIN, that in time of Vacance of the Seſſion, Three of the Commiſſioners of Juſticiary, ſhall be a ſufficient *Quorum*, who ſhall meet at *Edinburgh* in the Moneth of July yearly, any thing contained in the ſixteenth Act of the Third Seſſion of his Majeſtie's Second Parliament contrary thereto notwithſtanding.

XXIII.

ACT *In favours of the Univerſity of Sanct-*Andrewes, *Appointing halfe a Moneth's Ceſs to be raiſed for their uſe.*

September. 17. 1681.

OUR SOVERAIGNE LORD Conſidering the ſmall and incompetent proviſions and ſallaries, at preſent poſſeſt by the Maſters, and Profeſſours, in his famous and Ancient Univerſity of Sanct-*Andrewes*; Whereby learning is in great hazard to languiſh, and decay: DOETH for encouragment, and advancement of Learning, with advice and conſent of his Eſtates of Parliament, STATUTE, and ORDAIN, That halfe a Moneths Ceſs be Impoſed upon the Land-rent of this Kingdom, to be payed in to the Caſh-keeper, with the ſecond term's payment of the Ceſs in the years 1682 and 1683; And the money being payed in as aforeſaid, ſhall be ſtocked in for the uſe of the Univerſity foreſaid, and divided in it's juſt proportions, to the ſeveral Maſters, and Profeſſours in the ſeverall Colledges therein, by the advice and authority of his Majeſtie's Privy Council.

XXIV.

ACT *Ordaining Bread, and Butcher-Fleſh, to be ſold by Weight.*

September. 17. 1681,

OUR SOVERAIGNE LORD, and Eſtates of Parliament, Conſidering how neceſſary it is for the good of the Subjects, That Bread and Fleſh, ſhould be within Burgh and Land ſold in retail by Weight, and no other wayes. DOE THEREFORE Statute and Ordain that in all time coming, Bread, and all Butcher-Fleſh, as Beeff, Veall, Mutton, Lamb, and Swine-fleſh, ſhall be ſold by Weight, when the ſame is ſold in retail, and no otherwayes, under the pain of One hundred pounds Scots, *toties quoties*.

XXV.

Additional ACT, *Concerning the* Teſt.

September 17. 1681.

UR SOVERAIGNE LORD and Eſtates of Parliament DOE hereby STATUTE and ORDAIN that the Teſt appointed by the ſixth Act of this Parliament, to be taken by all perſons in publick Truſt, ſhall be taken by the Admiral-deputs, Judges of the High Court of Admirality, and all members of that Court, and all particular Admiral-deputs within the Kingdom: The Director of the Chancellary, and all Writters in that office; The Writter to, and under keeper of the Privy Seale, Surveyers, Waiters for the King's Cuſtoms and Exciſe through the Kingdom, The King's Sollicitor, The Lyon Clerk, and by all ſuch as ſhall be commiſſionated to the Convention of Burrowes, at their firſt *Sederunts* in their Courts, and in the ſaid Convention; And ORDAINS all Captains and other Commiſſionat Officers of the Train-bands in Burghs, and ſuch as have any voice in Electing of Deacons of Trades within Burghs, and the Clerks to Trades, to take the ſaid *Teſt* before the Magiſtrats of the reſpective Burghs, and the Deacons of the ſaids Trades reſpective before their reſpective Elections. And alſo ORDAINS all perſons who ſhall be named Commiſſioners for revaluations, or rectifying valuation of Lands, to take the foreſaid *Teſt*, under the pains contained in the ſaid Act of Parliament: And that all perſons who have heretable offices from the King, not mentioned in the foreſaid Act, ſhall take the foreſaid *Teſt*, in preſence of the Lords of Exchequer betwixt and the firſt of January, wherein if they faill, They ſhall loſe their Offices, and Caſualities thereof during their lifetime.

XXVI.

ACT Concerning Publick Debts.

September. 17. 1681.

UR SOVERAIGNE LORD Conſidering that diverſe Noblemen, Barrons, and Burrowes as well members of Committees, Comiſſars-General, and their deputs, as others of this Kingdom, during the time of the late troubles, and Rebellion, did give their bonds for ſeveral great ſums of money; Which albeit bearing for Borrowed money, were imployed for the uſe of the Publick, and for ſecurity whereof, the pretended authority for the time, did by Acts of pretended Parliaments, during theſe troubles, bind and oblidge the Eſtates of the Kingdom, to warrand, and relieve the Members of the ſaids Committees, and all other Perſons whatſoever, who had given bonds or ſecurity, for any ſums imployed for the uſe of the Publick, And that upon the reſcinding of theſe pretended Parliaments, HIS MAJESTY and Eſtates of Parliament, after his happy Reſtauration, in *Anno* 1661, for ſecurity of all ſuch perſons bound in theſe Bonds, did by an Act in that Parliament, ſuſpend all execution, as well Real as Perſonal againſt the ſaids Perſons, or their Heirs upon the foreſaids Bonds, till the next Parliament: AND alſo in the ſubſequent Parliament holden in the year 1669, did continue the foreſaid ſuſpenſion, ay and while the foreſaids Debts ſhould be conſidered in Parliament. AND HIS MAJESTY now Conſidering, that the ſums contained in the ſaids Bonds,

Bonds, granted by the foreſaids perſons, were imployed for the uſe of the Publick, during the time of the ſaid Rebellion, and that the ſaids perſons by the reſcinding of the foreſaids Parliaments, are cut off from the Benefite of any reliefe granted, or contained, in any of the ſaids pretended Acts in their favours. THEREFORE, the King's Majeſty, with advice and conſent of the Eſtates of Parliament, by this preſent ACT, Exoners, and perpetually diſcharges, the ſaids Noble-men, Barons, and Burrowes, and all others granters of the ſaids Bonds, their Heirs, Executors, and Succeſſours, of the ſaids Debts, and Bonds granted thereupon, and of all diligence, Purſute, Action, or Execution thereupon competent, as well Real as Perſonal, bygone or in time coming, And declares them and their foreſaids, quit and free thereof for ever. PROVIDING alwaies that no Perſons ſhall have the Benefite of this Act unleſs they take the *Teſt* appointed by the Sixth Act of this preſent Parliament. DECLARING that the principal Debitour in theſe Bonds taking the *Teſt*, the Cautioner ſhall be free, and if the Principal refuſe to take the *Teſt*, the Cautioner taking the ſame, ſhall be free as to his part. EXCEPTING alwaies the Heirs Executors and Succeſſors of the deceaſed Duke of *Rothes* late Lord Chancellour, who in Reſpect of his Eminent Loyalty and Service to His Majeſty, are hereby abſolutly exonered and diſcharged of the ſaids Debts, without neceſſity of taking the foreſaid *Teſt*, upon the account foreſaid allennarly; AND ALSO EXCEPTING Minors who ſhall not be oblidged to take the *Teſt* upon the foreſaid account, Until they attain to the years of Majority. And in Regard there were Debts contracted be the Earles of *Caſſils* and *Louthian* and others with them in the year 1650. for his Majeſties Service, For which they granted their own Bonds, and which are mentioned in an Act of Parliament paſt in their favors in the year 1661, HIS MAJESTY with Conſent foreſaid Diſcharges all Action and Execution for the ſums contained in theſe Bonds againſt the ſaids Earles and others, who were bound with them and their Succeſſors, in Reſpect the ſame is a publick Debt, The money having been Borrowed for His Majeſtie's ſervice as ſaid is.

XXVII.

ACT Anent the Prices of French and Spaniſh Salt.

September, 17. 1681.

OUR SOVERAIGNE LORD Out of his Princely care to encourage the Manufacturies and other publick Works of this his Ancient Kingdom, and to prevent the Unneceſſary Importation of forreign commodities and the exorbitant prices that may be exacted from the Leiges. THEREFORE His Majeſty with advice and conſent of the Eſtates of Parliament, DOETH Erect and Declare All the Salt-works of this Kingdom to be free and publick Manufacturies: Endowing them, with all the Priviledges, Liberties, and Immunities, granted by Law in favours of any Manufacturie, within this Kingdom. AS ALSO HIS MAJESTY Conſidering That the In-land Salt of this Kingdom, is ſufficient for all other uſes except the curing of Fiſhes, and Beeff exported, And that the Forreign Salt which ſhall be imployed for the uſe of the Nation, may be furniſhed at the rates following: THEREFORE His Majeſty with advice and conſent foreſaid, DOTH Statute, and ordain, That all Importers of French Salt, or Retailers thereof, at the places, or Ports, where the ſame is imported, ſhall not upon any pretence whatſoever, exact more from the Leiges, then Five pounds Scots for the Linlithgow Boll of French Salt, Including the FORTY ſhillings per Boll to his Majeſty for Exciſe: And that Importers, and Retailers of Spaniſh Salt, ſhall not exceed Six pounds for the Linlithgow Boll thereof,

including likewiſe the Exciſe, under the penalty of One Hundred pounds Scots, *Toties quoties*, for each Boll they ſhall ſell above the rates foreſaids, the one halfe thereof to his Majeſtie's uſe, and the other halfe to the Diſcoverer, who ſhall have power to purſue the Importers, who ſhall contraveen this Act before the Judges Ordinary. IT IS ALWAIES hereby DECLARED, That this Act ſhall be but prejudice of his Majeſtie's Prerogative aſſerted by the Twentieth and Sixt Act of the Third Seſſion of His Majeſtie's Firſt Parliament, And that His Majeſty may alter the ſaids rates, upon ſuch occaſions as ſhall ſeem neceſſary to him, In His Royal Wiſdom..

XXVIII.

ACT Salvo Jure Cujuſlibet.

September. 17. 1681.

OUR SOVERAIGNE LORD, Taking to conſideration, that there be many Acts of Ratifications, and others paſt and made in this Seſſion of Parliament, in favours of particular Perſons, without calling, or hearing, of ſuch as may be thereby concerned, or prejudged, THEREFORE His Majeſty with advice and conſent of the Eſtates of Parliament, STATUTES, and ORDAINS, That all ſuch particular Acts, and Acts of Ratification paſt in manner foreſaid, ſhall not prejudge any Third party of their lawful Rights, nor of their Actions, and defences competent thereupon, before the making of the ſaids particular Acts, and Acts of Ratification; And that the Lords of Seſſion, and all other Judges of this Kingdom, ſhall be oblidged to Judge betwixt parties, according to their ſeveral Rights ſtanding in their Perſons, before the making of the ſaids Acts: All which are hereby exponed, and declared, to have been made *Salvo jure Cujuſlibet*. EXCEPTING alwaies, the Act paſt in this preſent Parliament, diſcharging perſons of bonds given by them in the time of the late Rebellion, for ſums imployed for the uſe of the publick, which is declared to be no wayes comprehended herein.

XXIX.

ACT, *Of Adjournment.*

September. 17. 1681.

THE KING'S MAJESTY, Declares this Parliament Current, and adjourns the ſame, To the firſt day of March next, One thouſand Six Hundreth eightie and two years. AND ORDAINES all Members of Parliament, to attend that day; And that there be no new Elections, of Commiſſioners, from Shires. or Burghs, except upon the death of ſome of the Preſent Commiſſioners.

THO: MURRAY. Cl. Reg.

FINIS.

A TA-

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Act anent the Election of Commiſſioners within Burghs Royal, for Parliaments, and Conventions.

Act in favours of the Town of *Edinburgh*, anent the Conduit of water brought thereto.

Act diſcharging the theiking of Houſes within the Town of *Edinburgh*, and ſome Other Burghs Royal, with Straw, Bent, or Heather, and appointing the ſame to be done with Lead, Sclait, Scailie, or Tile.

Act anent the Mortification made be *Thomas Mudie*, for building a Kirk in *Edinburgh*.

Act in favours of the Earle of *Queensberry*, anent a blank Bond given be him.

Act in favours of the Shire and Town of *Dumfreis*, anent a Cuſtome upon the watter of *Nith*.

Act anent the Salmond fiſhing in the watter of *Nith*.

Act anent the Commiſſioners fies in the Shire of *Dumfreis*.

Act anent the Lord of *Belhaven*.

Act declaring the Sugar-works at *Glaſgow* to be a Manufactury.

Act declaring the Woolen-work of the Searge, Called Searge *de Nein*, and others Stuffs erected be *James Armour* Younger, to be a Manufactury.

Act in favours of the Earle of *Wintonn*, anent the disjunction of the Lands of *Wintoun*, from *Pencaitland*, and annexing the ſame to *Tranent*.

Act in favours of the ſaid Earle, for exeeming of his Coale, and Salt, from bearing any Publick burden. Proteſtation be the Laird of *Ormeſtoun* againſt the ſame.

Act in favours of the Lady *Lockhart*, againſt her Son.

Act in favours of the Town of Sanct-*Andrewes*, anent their ſtent, and ſtent Maſters.

Commiſſion for reviſing the Laws.

Act in favours of the Lord *Lyon*.

Act for Rectification of Valuations, and declaring that Coale, and Salt, is not to bear any part of the Supply

Act reſcinding ſome Articles of the Regulation concerning Advocats, Clerks, and Writters.

Act authorizing His Majeſtie's privy Council to name and appoint Commiſſioners of Exciſe, or Supply in the ſeveral Shires.

Act in favours of the Town of *Innerneſs*, for exacting a ſmall Cuſtom, at the Bridge thereof.

Act in favours of the Laird of *Kinmundie*, for exacting a ſmall Cuſtom, at the Bridge of *Dee*.

Act in favours of the Marqueſs of *Athole*, for exacting a ſmall Cuſtom, at the Bridge of *Almond*.

Act in favours of the Earle of *Marr*, for exacting a ſmall Cuſtom, at the Bridge of *Tillibody*.

Act in favours of the Litſters of *Edinburgh*.

Warrand to the Laird of *Hoptoun* for changing a high way, at the Town of *Winchburgh*.

Act

Act in favours of the Earle of *Queensberry*, for disjoyning the Lands of *Palvadock*, from the Stewartry of *Kirckubrugh*, and annexing the ſame to the Shire of *Dumfreis*.
Act in favours of *Mungo Graham* of *Gorthy*.
Protection to Maſter *William Dick*, and Sir *Andrew* Dick.
Recommendation to the Council, In favours of the Town of *Dalkeith*. anent their Bridge.
Recommendation to the Council, In favours of the Lady *Comiſtoun*.
Reference to the Council anent the Earles of *Caithneſs*, and *Broad-Albain*.
Reference to the Council anent the Towns of *Anſtruther-Weſter*, *Kilrainy*, *Cromarty*, and others.
Recommendation in favours of the Lady *Bogie*.
Ratification in favours of the Duke of *Lennox* and *Richmond*.
Proteſtation Sir *John Cochran*, in name of the Earle of *Dundonald*, againſt the ſame.
Proteſtation Sir *John Cuningham*, in name of the Lady of *Obryan*, againſt the ſaid Rarification.
Proteſtation His Majeſtie's Advocat, againſt the ſaids two Proteſtations.
Ratification in favours of the Marqueſs of *Athole*.
Ratification in favours of the Marqueſs of *Montroſe*.
Proteſtation the Earle of *Airth*, againſt the ſame.
Ratification in favours of the Earle of *Argyle*.
Proteſtation by the Earle of *Arrol*, againſt the ſame.
Ratification in favours of the Earle of *Perth*.
Proteſtation by the Marqueſs of *Athole*, againſt the ſame.
Ratification in favours of the *Viſcount* of *Stormount*.
Ratification in favours of Sir *Alexander Seton*, of *Pitmeddin*.
Ratification in favours of Sir *Roger Hog*, of *Harcars*.
Ratification in favours of Sir *George Gordon*, of *Haddo*.
Ratification in favours of Sir *William Sharp*.
Ratification in favours of Maſter *Alexander Gibſon*.
Ratification in favours of Maſter *Alexander Mackeinzie*, of *Garlearch*.
Ratification in favours of *Andrew Spalding*, of *Aſhintullie*.
Proteſtation the Marqueſs of *Athole*, againſt it.
Ratification in favours of *David Drumond*. of *Cultmalindie*.
Ratification in favours of Sir *Donald Baine*, of *Tulloch*.
Ratification in favours of the Hatmakers, and Walkers, of *Edinburgh*.
Ratification in favours of Maſter *Roderick Mackeinzie*, of *Findone*.
Ratification in favours of *William Duff*.
Ratification in favours of the Laird of *Balhouſſie*.
Ratification in favours of *Robert Pringle*, of *Cliftoun*.
Ratification in favours of Sir *William Ker*, of *Greinhead*.
Ratification in favours of *George Dollas*, of *Sanct-Martines*.
Ratification in favours of Sir *Archbald Cockburn*, of *Langtonn*.
Ratification in favours of the Poor of the Town of *Chanrie* of *Roſs*.
Ratification in favours of *Patrick Smith*, of *Braco*.
Ratification in favours of Maſter *John Omey*.
Ratification in favours of Maſter *Thomas Skeen* Advocat.
Ratification in favours of *David Oliphant* of *Cultenquhar*.
Ratification in favours of Maſter *James Murray*, Miniſter at *Logi-rait*.
Ratificarion in favours of *William Colquhoun*, of *Craigtoun*.
Ratification in favours of *Robert Boyd*, of *Portoun-croſs*.

Ratification in favours of *Coline Campbel*, of *Ormadil.*
Ratification in favours of Maſter *Alexander Forbes*, of *Foveran.*
Ratification in favours of *Richard Elphingſtoun*, of *Airth.*
Ratification in favours of The Lord *Pitſligo.*
Ratification in favours of the Laird of *Skeen.*
Ratification in favours of *Francis* Dugat, of *Auchinhive.*
Ratification in favours of the Laird of *Streichin.*
Ratification in favours of the Laird of *Ballogie.*
Ratification in favours of Maſter *James Elphingſtoun*, Writer to the Signet.
Two Ratifications in favours of *John Graham*, of *Claverhous.*
Ratification in favours of Maſter *James Carnegie.*
Ratification in favours of Maſter *Patrick Kier.*
Ratification in favours of *Anthonie Murray*, of *Dullarie.*
Ratification in favours of *John Brown*, of *Gorgy-milne.*
Ratification in favours of Maſter *James Brand*, of *Babertoun.*
Ratification in favours of Leiutennent Collonel *Mayn*, Major *Ogilthorp*, and Captain *Cornwal.*
Ratification in favours of Maſter *Thomas Innes*, and *James Calder*, of *Muirtoun.*
Ratification in favours of the ſaid *James Calder.*
Ratification in favours of the Laird of *Moncreiff.*
Ratification in favours of Miſtreſs *Griſſel Mercer*, Lady *Aldie.*
Ratification in favours of the Marqueſs of *Huntlie.*
Ratification in favours of Sir *Charles Maitland*, of *Pitrichie.*
Proteſtation the Town of *Aberdeen*, againſt the ſame.
Ratification in favours of the Incorporation of the *Hammer-men* of *Edinburgh.*
Ratification in favours of the Earle of *Dumfreis*, and Lord *Crichtoun.*
Ratification in favours of Sir *James* Dalrymple of *Stair*, Preſident of the Seſſion.
Ratification in favours of the Lord Theſaurer-Deput.
Proteſtation by the Town of *Dundee*, againſt it.
Ratification in favours of *Mungo Halden*, of *Glenegies*
Ratification in favours of *Walter Riddel*, of *Minto.*
Ratification in favours of *George Gordoun*, of *Boigs* of *Dalley.*
Ratification in favours of Sir *Iohn Schaw*, of *Greenock.*
Ratification in favours of the Earle of *Arrol.*
Ratification in favours of the Earle of *Queenſberrie.*
Ratification in favours of The Lord *Rollo.*
Two Ratifications in favours of Sir *George Mackeinzie*, of *Roſehauch*, Lord Advocat.
Two Ratifications in favours of Sir *George Mackeinzie*, of *Tarbet*, and Others.
Ratification in favours of Sir *David Balfour*, of *Forret.*
Ratification in favours of The Lord *Regiſter.*
Ratification in favours of Collonel *Iames Douglas.*
Ratification in favours of Sir *William Paterſon*, and Maſter *Patrick Meinzies*, Clerks to his Majeſtie's Privy Council.
Ratification in favours of His Majeſtie's *Smiths*, *Maſon*, &c.
Ratification in favours of *William Craik*, of *Arbigland.*
Ratification in favours of *Robert Ferguſon*, of *Craigdarroch.*
Ratification in favours of the Incorporation of the Weavers of *Glaſgow.*

Ratification in favours of the Burgh of *Aberdeen.*
Proteſtation Sir *Alexander Seton*, of *Pitmeddin*, in name of the Shire, againſt it.
Ratification in favours of *Robert Hamiltoun*, of *Preſminen.*
Ratification in favours of *John Johnſtoun*, of *Elſhiſheils.*
Ratification in favours of *Iames Carnegie*, of *Balnamoon.*
Ratification in favours of Sir *Patrick Houſtoun*, of that *Ilk.*
Ratificaton in favours of *William Hamiltoun*, of *Orbiſtoun.*
Ratification in favours of Sir *Patrick Ogilvie*, of *Boyn.*
Ratification in favours of ſome Trades in *Dunbartoun.*
Ratification in favours of *Robert Milne*, of *Barntoun.*
Ratification in favours of *William Gordoun*, Sherriff-Clerk of *Aberdeen.*
Ratification in favours of *Laurence Oliphant*, Clerk to the Admiſſion of Nottars.
Ratification in favours of the Incorporation, of the Fleſhers of *Edinburgh.*
Ratification in favours of *Ninian Bannatine*, of *Kaims.*
Ratification in favours of the Earle of *Roxburgh*, and Others.
Ratification in favours of *John Hamiltoun*, of *Combardie.*
Ratification in favours of The Lord *Elphingſtoun.*
Ratification in favours of The Brugh of *Glaſgow.*
Ratification in favours of Sir *William Purves.*
Ratification of ſeveral Acts, and Decreets of His Majeſtie's Privy Council, anent the new buildings, at the entry to the *Parliament-Houſe.*
Ratification in favours of Sir *Charles Halket*, of *Pitfirren.*
Ratification in favours of The Lord *Nairn.*
Ratification in favours of *James Seton*, of *Touch.*

F I N I S.

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